

**ORDINANCE NO. 2005-7 Commissioners**

**AN ORDINANCE TO AMEND SURVEY  
RECORDATION REQUIREMENTS**

**WHEREAS**, Indiana Code 36-2-19-4 and 5 authorize a county to require a survey to be recorded and a copy provided to the county auditor;

**WHEREAS**, the county auditor is charged with the responsibility of maintaining accurate records of land ownership;

**NOW THEREFORE BE IT ORDAINED**, that Decatur County Ordinance 1996-4 (Commissioners) is hereby amended as follows:

Section 1. Land Surveyor and survey shall have the meanings set out in Indiana Code 36-2-19.

Section 2. In addition to the conditions of Indiana Code 36-2-19-4, this ordinance requires that when any land surveyor has prepared a plat of any original, retracement, or record document survey of real estate located in Decatur County, Indiana, then either the land surveyor or the owner of the platted real estate shall record that plat in the office of Recorder of Decatur County, Indiana upon any of the following events:

- (a) when a new tax parcel is created;
- (b) when no previous survey of the parcel has been recorded;
- (c) when the monuments, monument references or any part of the description varies from the last recorded survey of the parcel;
- (d) whenever the boundary survey shall be used to establish distance requirements or variance of distance requirements for any building permit, building improvement permit, any other permit required for a structure or improvement under any ordinance or applicable state law; or
- (e) whenever a boundary line is being changed by adverse possession, court order, resubdivision of an existing plat or in any other manner that changes a boundary line.

**Section 3.** The plat of survey under this ordinance shall contain the following:

- (a) *A title to indicate the purpose of the survey (i.e., division, subdivision, retracement, etc.)*
- (b) The name of the current real estate owner as shown upon the real estate tax records of Decatur County or an annotation if the surveyor believes the tax records are erroneous or should be corrected.
- (c) *The identity of the parent tract including the tax parcel number and map number of the parent tract from which a plat of survey of a smaller area is taken or derived, and the location of the smaller tract within the parent tract.*
- (d) The area of each surveyed tract and remainder, if any, in the parent tract with the amount of acreage in different sections, if any, identified. *Acreage shall be identified as measured or recorded.*
- (e) *A computer-generated drawing and a textual description of the parcel being surveyed.*
- (f) A statement indicating the existence or absence of any improvements on each survey tract at the time of the plat's recordation.
- (g) A description or diagram of any variances or easements being created on the tract.
- (h) All flood information.
- (i) Annotation of all adjoining real estate owners based upon the county tax records.
- (j) An owner's certificate and a surveyor's certificate. *Surveyor's certificate must indicate that the survey is in compliance with Title 865, Article 1, Rule 12, of the Indiana Administrative Code.*
- (k) An executed certificate of county review as set out in the following Section 4.

**Section 4.** Any plat of survey shall contain the following

certificates of review before the Recorder of Decatur County, Indiana shall accept the document for recordation:

- (a) If the real estate is located in Decatur County outside the City of Greensburg, the certificate shall include the following:

DECATUR COUNTY AREA PLAN  
COMMISSION CERTIFICATE

This plat of survey has been reviewed by \_\_\_\_\_ as the designated representative of the Decatur County Area Plan Commission on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. Such plat conforms to the zoning and use ordinances of Decatur County, Indiana and shall be the document of record from which the Decatur County Area Plan Commission or the Decatur County Board of Zoning Appeals shall determine all issues under any Decatur County ordinance.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Decatur County Area Plan Commission

By: \_\_\_\_\_

OR

This plat of survey has been submitted to the Decatur County Area Plan Commission for review and approval under Decatur County ordinances and Indiana law and it has been approved for recordation under the process required by law. This plat was formally approved by the Decatur County Area Plan Commission at a public hearing held according to law on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Decatur County Area Plan Commission

By: \_\_\_\_\_

- (b) If the real estate is located within the boundaries

of the City of Greensburg, Indiana, then the certificate shall instead include the following:

GREENSBURG CITY PLAN  
COMMISSION CERTIFICATE

This plat of survey has been reviewed by \_\_\_\_\_ as the designated representative of the Greensburg City Plan Commission on the \_\_\_\_\_ day of \_\_\_\_\_. Such plat conforms to the zoning and use ordinances of the City of Greensburg, Indiana and shall be the document of record from which the Greensburg City Plan Commission or the City of Greensburg Board of Zoning Appeals shall determine all issues under any City of Greensburg ordinance.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Greensburg City Plan Commission

By: \_\_\_\_\_

OR

This plat of survey has been submitted to the City of Greensburg for review and approval under Greensburg City ordinances and Indiana law and it has been approved for recordation under the process required by law. This plat was formally approved by the City of Greensburg at a public hearing held according to law on the \_\_\_\_\_ day of \_\_\_\_\_.  
Certified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of Greensburg, Indiana

By: \_\_\_\_\_

- (c) *All plats of survey shall contain the certificate of the county auditor:*

**AUDITOR'S CERTIFICATE**

*The office of the Decatur County Auditor has*

received an exact copy of this plat and has reviewed it for consistency with county records this \_\_\_\_\_ day of \_\_\_\_\_.

Auditor, Decatur County, Indiana

**Section 5.** Any plat of survey shall contain a recording certificate to allow the county recorder to note an instrument number and the date and time of recording.

**Section 6.** The county auditor shall review each survey for consistency with county records and shall make any necessary corrections to county records. The county auditor may reject a survey which does not contain the information required by this ordinance or which is not consistent with county records.

**Section 7.** The plat of survey shall be upon an 18 inch by 24 inch minimum, 24 inch by 36 inch maximum mylar and contain all information required under this ordinance. The certificate of the owner, surveyor and certificate of county review shall be on the face sheet or front page.

**Section 8.** The fee for recording the plat of survey shall be collected by the Decatur County Recorder in the amount authorized by I.C. 36-2-7-10.

**Section 9.** The fee for the county review of the plat of survey shall be Twenty Dollars (\$20.00) and collected by the Decatur County Area Plan Commission.

**Section 10.** Any disputes, interpretations or issues arising from this ordinance, or its enforcement shall be determined after a public hearing before a Plat Review Board that is composed of the Decatur County Surveyor, the Executive Director or Chief Administrative Officer of the Decatur County Area Plan Commission and the Zoning Administrator or Chief Administrative Officer for planning of the City of Greensburg, Indiana. Notice of the public hearing shall be published as required by statute with formal notice by mail to all adjoining real estate owners. The decision of the Plat Review Board under this ordinance may be appealed to the Circuit Court of Decatur County.

**Section 11.** Any violation of this ordinance shall be a Class A Infraction as currently declared under Indiana Code 34-4-32-4 and enforced as provided under Indiana law.

Section 12. The Decatur County Auditor and the Decatur County Recorder shall not accept for transfer or recordation any deed or document of conveyance that was prepared from a plat of survey or based upon information that is not upon the public record as required under this ordinance.

Section 13. The amendments enacted by this ordinance shall be effective on July 5, 2005, and shall apply to any transfers or recordations after that date.

ADOPTED this 5th day of July, 2005.

**BOARD OF COMMISSIONERS OF  
DECATUR COUNTY**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attest:

\_\_\_\_\_  
Bridgett C. Weber, Auditor